



BAIL SLIP

The Appellant/ Accused S.Baskaran, S/o.S. Ramasamy was released on bail (Accused not in Jail) order dated 15.09.2015 made in MP (MD)No.1 of 2015 in Crl Rc (MD)No.423 of 2015.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.R.C. (MD) .No.423 of 2015

S.Baskaran .. Petitioner/Accused

Vs.

K.Murugesan .. Respondent/Complainant

PRAYER: Criminal Revision Case, filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the Judgment in Crl.A.No.31 of 2013 passed by Principal District and Sessions Court, Theni, dated 06.07.2015 confirming the Judgment in S.T.C.No.205 of 2011 dated 05.06.2013 on the file of the Judicial Magistrate, (Fast Track) Theni.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.V.Manikandan

ORDER

This revision case is filed by the petitioner / accused as against the order of conviction imposed by the Courts below for the offence under Section 138 of the Negotiable Instruments Act.

2.A private complaint under Section 200 Cr.P.C. was filed by the respondent herein, as against this revision petitioner, before the learned Judicial Magistrate, (Fast Track Court), Theni, for the offence under Section 138 of Negotiable Instruments Act and the said complaint was taken on file in S.T.C.No.205 of 2011 by the learned Judicial Magistrate, (FTC), Theni and after the trial, the trial Court found the petitioner / accused guilty for the offence under Section 138 of the Negotiable Instruments Act, convicted and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.5,000/- (Rupees five thousand only), in default to undergo two months simple imprisonment.

3.As against the conviction and sentence, the petitioner preferred an appeal before the Sessions Court and the same was taken on file in Crl.A.No.31 of 2013 by the learned Principal District



and Sessions Judge, Theni and the appeal was dismissed by judgment dated 06.07.2015.

4. Aggrieved over the orders of the trial Court and the appellate Court, the petitioner /accused preferred this Criminal Revision Case on the ground that the trial Court and the appellate Court have not appreciated the evidence properly.

5. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that pending the revision case, the matter has been settled between the petitioner and the respondent and they have also filed a joint compromise memo under Section 147 of the Negotiable Instruments Act. In the joint compromise memo filed by the parties, the petitioner and the respondent / complainant arrived a compromise on the following terms.

"The petitioner / appellant submits that while pending the criminal revision petition, both the appellant and the respondent are compromised each other, the appellant has paid the entire cheque amount of Rs.1,75,000/- (one lakh seventy five thousand only) to the complainant in cash.

The petitioner/appellant submits that the offences under Section 138 of Negotiable Instruments Act is compoundable one as per section 147 of the Negotiable Instruments Act 1881 and at this circumstances this Honourable Court may be pleased to accept this joint compromise memo filed by both parties and compound the offence and acquit the accused in the above mentioned case."

6. In view of the joint compromise memo filed, this Criminal Revision Petition is disposed of by setting aside the orders of the trial Court and the Appellate Court.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



Encl:Xerox copy Joint Compromise memo

To

1.The Principal District and Sessions Judge, Theni.

2.The Judicial Magistrate (Fast Track Court), Theni.

Copy to

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai (2 copies)

+1 CC to Mr.V. MANIKANDAN, Advocate (SR-16548[F] dated 10/09/2020)

Crl.R.C. (MD) .No.423 of 2015
10.09.2020

VB (13.10.2020) 3P 6C